



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO #08-10

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR <u>08-12-065</u> ;	<input checked="" type="checkbox"/> Original Notice
or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Continuance of WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	

**Title of rule and other identifying information:**

Amendments to Chapter 173-160 WAC, Minimum Standards for Construction and Maintenance of Water Wells.

Hearing location(s): See Attached.

**Submit written comments to:**

Name: William E. Lum, II  
Address: Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600  
e-mail: blum461@ecy.gov  
fax: (360) 407-6648 by November 13, 2008

Date: See attached.

Time: See attached.

**Assistance for persons with disabilities:** Contact

Date of intended adoption: December 17, 2008  
(Note: This is NOT the effective date)

Water Resources Program by October 28, 2008  
TTY (711) for speech or hearing impaired or (800) 833-6388.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The purpose of the rule proposal is to amend Chapter 173-160 WAC. Ecology is making technical and typographical corrections to the current rule and adding new provisions that require note taking during well construction and clarify the requirements for certification of certain drilling materials to protect ground water quality. Ecology convened the Technical Advisory Group who assisted in developing these amendments.

**Reasons supporting proposal:**

The changes to these regulations are required to protect ground water, to address the concerns of interested parties, and to clarify the existing rules.

Statutory authority for adoption: Chapter 18.104 RCW, Water Well Construction Act (1971).

Statute being implemented: Chapter 18.104 RCW, Water Well Construction Act (1971).

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 30, 2008  
TIME: 9:23 AM

**WSR 08-20-105**

DATE 9/29/08

NAME Polly Zehm

SIGNATURE

TITLE Deputy Director

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization)

Department of Ecology

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... William E. Lum, II	Department of Ecology, 300 Desmond Drive S.E., Lacey, WA, 98503	(360) 407-6648
Implementation..... Ken Slattery	Department of Ecology, 300 Desmond Drive S.E., Lacey, WA, 98503	(360) 407-6602
Enforcement..... Ken Slattery	Department of Ecology, 300 Desmond Drive S.E., Lacey, WA 98503	(360) 407-6602

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: William E. Lum, II

Address: Department of Ecology

P.O. Box 47600

Olympia, WA 98504-7600

Phone: (360) 407-6648

Fax: (360) 407-7162

e-mail: blum461@ecy.gov

<http://www.ecy.wa.gov/laws-rules/activity/wac173160.html>

No. Explain why no statement was prepared.

Ecology identified costs but they were determined to be below the minor cost threshold definition in RCW 18.85.020 (2). RCW 18.85.030 exempts the department from the requirement to prepare an SBEIS when costs are minor.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: William E. Lum, II

Address: Department of Ecology

P. O. Box 47600

Olympia, WA 98504-7600

phone (360) 407-6648

fax (360) 407-7162

e-mail blum461@ecy.gov

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No: Please explain: